

### **Remarks/Arguments**

Reconsideration of this application in light of the following remarks is requested. Claims 2, 3, 9, 14, 26, and 29 have been amended to correct typographical errors introduced during prosecution. Therefore the claims, though labeled as amended, are in the same form as when originally filed.

#### Rejections under 35 U.S.C. § 102 and § 103

All pending independent claims (1, 7, 14, 18, 22, 26, 27, and 32) stand rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103 by U.S. Patent No. 6,323,519 to Gardner et al. ("Gardner"), either alone or in combination, respectively. Each of the pending independent claims requires a plasma treatment of a patterned and etched layer of gate material and *exposed substrate*. In the Final Office Action, the Examiner has indicated that, for all of the independent claims, this element is satisfied by Gardner at col. 8, lines 45-56 and at Fig. 2. Applicant has previously argued that Gardner fails specifically to teach a plasma treatment of a patterned and etched layer of gate material and *exposed substrate*.

The Examiner's response to Applicant's argument has been based on the Examiner's belief that the claim element recited above "does not necessarily mean the patterned gate material and exposed surfaces of the substrate are directly exposed under plasma environment without any intervening layer," (Final Office Action, pg. 11). While the Applicant does not take any position with regards to whether the Examiner's statement regarding plasma treatment is true generally, such an argument is not applicable to the pending claims. Since all of the pending claims require a plasma treatment of an *exposed substrate*, these claims are not taught or suggested by Gardner. Prior to the plasma treatment of Gardner as the Examiner has cited at col. 8, lines 45-56, according to Gardner at col. 7, lines 44-47, a "thin conformal oxide... is

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formed over gate conductor 18 and substrate 12, as shown in Fig. 2." By definition, there can be no *exposed substrate* when Gardner's plasma treatment occurs. Thus the pending claims, which require plasma treatment of an *exposed substrate*, are neither taught nor suggested by Gardner in the manner suggested by the Examiner. Therefore the pending independent claims (1, 7, 14, 18, 22, 26, 27, and 32) are neither anticipated by Gardner, nor obviated by Gardner in any combination, and are in condition for allowance. The pending dependent claims (2-6, 8-13, 15-16, 19-21, 23-25, and 28-31), further limiting the independent claims, should also be in condition for allowance.

### Conclusion

It is clear from all of the foregoing that all pending claims are in condition for allowance. If the Examiner should feel that any further amendments are needed to place the application in condition for allowance, please contact the undersigned.

Respectfully submitted,

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